

APPEAL NO. 040754  
FILED MAY 25, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 15, 2004. The hearing officer determined that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_, and had disability from July 19, 2003, through the date of the CCH.

The appellant (carrier) appeals, principally contending that the claimant had not sustained an injury as defined in Section 401.011(26) and without an injury there can be no disability. The claimant responds, urging affirmance.

DECISION

Affirmed.

The claimant was a maintenance worker and asserts a cervical and thoracic (but not lumbar) injury when he fell in a sitting position while carrying a 50-pound bag of salt on \_\_\_\_\_. It is undisputed that the claimant had had prior low back injuries and was receiving regular periodic chiropractic treatment. The carrier does not dispute that the incident may have occurred but defends on the basis that the chiropractor diagnoses are the same before and after \_\_\_\_\_ ("suffering from the exact same symptoms and problem"). We would note, as did the claimant, that medical records from (the employer's clinic) indicate an assessment of "Cervicothoracic [sic] strain" and a cervical contusion. A referral doctor notes cervical spasms and decreased range of motion and diagnoses, among other things, a cervical strain sprain and thoracic intervertebral disc syndrome.

In any event the hearing officer noted the carrier's argument in his Statement of the Evidence and apparently rejected the argument. The factors emphasized by the carrier in challenging those determinations on appeal are the same factors it emphasized at the hearing. The significance, if any, of those factors was a matter for the hearing officer in resolving the issues before him. Nothing in our review of the record reveals that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

In that we are affirming the hearing officer's decision on the compensable injury we also affirm the disability determination.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TWIN CITY FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Chris Cowan  
Appeals Judge